



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

May 5, 2005

### **H.R. 1279** **Gang Deterrence and Community Protection Act of 2005**

*As ordered reported by the House Committee on the Judiciary on April 20, 2005*

#### **SUMMARY**

H.R. 1279 would authorize the appropriation of nearly \$80 million annually over the 2006-2010 period for Department of Justice (DOJ) programs to investigate and prosecute criminal street gangs and to protect witnesses and victims of gang-related crimes. The bill also would establish mandatory minimum prison sentences for certain crimes committed by members of criminal street gangs.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1279 would cost about \$370 million over the 2006-2010 period. This total includes roughly \$60 million to incarcerate individuals in the federal prison system for longer periods of time than they would serve under current law. The bill could affect direct spending and receipts, but CBO estimates that any such effects would not be significant.

H.R. 1279 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments would benefit from the authorization of funds for certain programs to reduce participation in criminal street gangs; any costs to those governments would be incurred voluntarily.

H.R. 1279 contains no new private-sector mandates as defined in UMRA.

#### **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary impact of H.R. 1279 is shown in the following table. The cost of this legislation falls within budget function 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					
	2005	2006	2007	2008	2009	2010
<b>SPENDING SUBJECT TO APPROPRIATION<sup>a</sup></b>						
Spending Under Current Law for the Federal Prison System and for Programs Funded by H.R. 1279						
Budget Authority <sup>b</sup>	5,653	5,838	6,004	6,183	6,364	6,552
Estimated Outlays	5,743	5,943	6,037	6,208	6,361	6,538
Proposed Changes:						
High Intensity Interstate Gang Activity Areas						
Authorization Level	0	50	50	50	50	50
Estimated Outlays	0	11	30	50	50	50
Project Safe Neighborhoods Program						
Authorization Level	0	8	8	8	8	8
Estimated Outlays	0	6	8	8	8	8
Grants to Combat Violent Crimes and Protect Witnesses and Victims of Crimes						
Authorization Level	0	20	20	20	20	20
Estimated Outlays	0	4	12	20	20	20
Total DOJ Programs to Combat Gangs						
Authorization Level	0	78	78	78	78	78
Estimated Outlays	0	22	50	78	78	78
Federal Prison System						
Estimated Authorization Level	0	1	9	13	15	25
Estimated Outlays	0	1	9	13	15	25
Total Changes						
Estimated Authorization Level	0	79	87	91	93	103
Estimated Outlays	0	23	59	91	93	103
Spending Under H.R. 1279						
Estimated Authorization Level	5,653	5,916	6,090	6,273	6,457	6,654
Estimated Outlays	5,743	5,965	6,095	6,298	6,454	6,640

- a. In addition to the amounts shown above, enacting H.R. 1279 also could affect revenues and direct spending, but CBO estimates that any such effects would not be significant in any year.
- b. The 2005 level is the amount appropriated for that year for the federal prison system and for the DOJ programs funded by H.R. 1279. Figures over the 2006-2010 period are CBO's baseline estimate for those programs, constructed by adjusting the 2005 level for anticipated inflation.

## **BASIS OF ESTIMATE**

For this estimate, CBO assumes that the bill will be enacted by the beginning of fiscal year 2006. CBO estimates that implementing H.R. 1279 would cost about \$370 million over the 2006-2010 period, assuming appropriation of the necessary funds. We also estimate that enacting the bill could increase both direct spending and receipts, but any such effects would not be significant in any year.

### **Spending Subject to Appropriation**

For this estimate, CBO assumes that the necessary amounts will be appropriated by the start of each fiscal year and that spending will follow the historical spending patterns for these or similar activities.

**DOJ Programs to Combat Gang-Related Crimes.** H.R. 1279 would authorize the appropriation of:

- \$50 million for each of the fiscal years 2006 through 2010 for the Attorney General to establish teams of federal, state, and local law enforcement agents to investigate and prosecute criminal street gangs in selected areas considered to be “high intensity interstate gang activity areas” and to make grants for community-based programs to prevent gang activities in those areas;
- \$7.5 million for each of the fiscal years 2006 through 2010 for the Attorney General to expand the Project Safe Neighborhoods program, which requires United States Attorneys to investigate and prosecute criminal street gangs; and
- \$20 million for each of the fiscal years 2006 through 2010 for grants to state and local governments to combat violent crime and to protect witnesses and victims of crimes.

**Federal Prison System.** H.R. 1279 would establish mandatory minimum prison sentences for a wide range of offenses committed by criminal street gangs under specified circumstances. The bill would define street gangs as groups of three or more individuals who commit two or more designated crimes, including a crime of violence, that affect interstate or foreign commerce. Under the bill, gang members who commit certain crimes would, in many cases, be required to serve sentences of at least 10 years.

The U.S. Sentencing Commission analyzed the impact on the federal prison population of the bill’s provisions that would require minimum prison sentences; by far, the greatest impact would result from drug trafficking offenses. The commission’s analysis was limited,

however, because information about defendants' status as criminal street gang members is not available and because considerable uncertainty exists as to how the bill's mandatory minimum sentences might affect defendants' willingness to accept plea bargains.

Based on several analyses prepared by the U.S. Sentencing Commission, CBO estimates that the longer sentences required under the bill would increase the prison population by 100 prisoners a year initially, and that this number would grow to roughly 900 prisoners a year by fiscal year 2010. However, the increase in prison population resulting from H.R. 1279 could be higher or lower than these figures, depending on the number of defendants determined to be street gang members and thus subject to minimum sentences. (If the increase in prison population is significantly higher than estimated, construction of a new federal prison might be required.) According to the Bureau of Prisons, for an increase in the federal prison population of this magnitude, it would spend about \$24,000 a year (at 2005 prices) to house each additional prisoner. CBO estimates that the cost to support these additional prisoners would total \$62 million over the 2006-2010 period.

### **Direct Spending and Receipts**

H.R. 1279 would establish new and increased criminal penalties for various crimes involving criminal street gangs. Thus, the federal government might collect additional fines if the bill is enacted. Collections of criminal fines are deposited in the Crime Victims Fund and later spent. CBO expects that any additional receipts and direct spending would not be significant.

### **ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS**

This bill contains no intergovernmental mandates as defined by UMRA. Assuming appropriation of the authorized amounts, state and local law enforcement and prosecutors could receive up to \$100 million in federal assistance over the next five years to combat gang activity; any costs to those governments would be incurred voluntarily. Those governments also would benefit from expanded programs of the Federal Bureau of Investigation and the United States Attorneys to identify and prosecute criminal street gangs.

## **ESTIMATED IMPACT ON THE PRIVATE SECTOR**

H.R. 1279 contains no new private-sector mandates as defined in UMRA.

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